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	MEDE-00	EAP-00	EB-00	EUR-00	FAAE-00	UTED-00	VCI-00
	FRB-00	FSI-00	OBO-00	H-00	TEDE-00	INR-00	IO-00
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	DCP-00	NSAE-00	ISN-00	NSCE-00	OIC-00	OIG-00	OPR-00
	PA-00	PER-00	PM-00	GIWI-00	SCT-00	ISNE-00	DOHS-00
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DRAFTED BY: S/WCI:SHODGKINSON -- 10/24/06 (202) 647-5543

APPROVED BY: S/WCI:SHODGKINSON

WH/COUNSEL:BMCINTOSH NSC:CCAMPONOVO

O/DNI/COUNSEL:CSTONE DOD/DASD-DA:

DOJ/ODAG:TMONHEIM L/PM:VPADMANBHAN

R/PRR:RPETERSEN S/ES-O:UPITTS

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TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE IMMEDIATE
AMEMBASSY TRIPOLI IMMEDIATE

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E.O. 12958: N/A

TAGS: KPAO, PREL

SUBJECT: DETAINEE TALKING POINTS

REF: A. STATE 24924
B. STATE 22932
C. STATE 14996

1. FOR AMBASSADORS, PAOS AND ALL MEMBERS OF THE COUNTRY TEAM IN ALL COUNTRIES, THE DEPARTMENT IS UPDATING THE TALKING POINTS PROVIDED IN REFTEL C TO SUPPORT YOUR PUBLIC DIPLOMACY EFFORTS. IT IS VITAL THAT YOU CONTINUE A STRATEGY OF ACTIVELY REFOCUSING THE PUBLIC DISCUSSION, DRAWING ON THE TALKING POINTS BELOW, AS APPROPRIATE. THESE POINTS ARE IN ADDITION TO REFTELS A AND B, WHICH INCLUDED POINTS SPECIFICALLY ON THE UN SPECIAL RAPPORTEUR'S REPORT ON TREATMENT OF DETAINEES AT GUANTANAMO BAY (REF B), AND TALKING POINTS ABOUT ABU GHRAIB DETAINEE PHOTOGRAPHS (REF

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A) .

2. PARAGRAPH 3 CONTAINS A SET OF MASTER TALKING POINTS THAT YOU SHOULD USE AS YOUR "HOME BASE" WHENEVER DISCUSSING DETAINEE MATTERS. PARAGRAPH 4 INCLUDES TALKING POINTS ON THE BROADER WAR WITH AL QAIDA. PARAGRAPH 5 CONTAINS A SET OF TALKING POINTS SPECIFICALLY RELATED TO THE GUANTANAMO BAY DETENTION FACILITY (GTMO), AND PARAGRAPH 6 CONTAINS A SET OF TALKING POINTS FOR DISCUSSING RENDITIONS.

----- 3. MASTER TALKING POINTS -----

-- THE UNITED STATES IS IN A STATE OF ARMED CONFLICT WITH AL QAIDA, THE TALIBAN AND THEIR SUPPORTERS. AS PART OF THIS CONFLICT, THE UNITED STATES CAPTURES AND DETAINS ENEMY COMBATANTS AND IS ENTITLED UNDER THE LAW OF WAR TO HOLD THEM UNTIL THE END OF HOSTILITIES.

-- OUR ALLIES HAVE BENEFITED FROM THE INTELLIGENCE THAT WE HAVE OBTAINED FROM THESE DETAINEES AND SHARED WITH THEM. IT HAS SAVED THE LIVES OF INNOCENT CIVILIANS AND PROTECTED COALITION FORCES.

-- UNITED STATES PERSONNEL ENGAGED IN DETENTION OPERATIONS ARE REQUIRED TO COMPLY WITH U.S. DOMESTIC LAW, THE LAW OF WAR, AND OUR INTERNATIONAL TREATY OBLIGATIONS INCLUDING THE PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT AND COMMON ARTICLE 3 OF THE GENEVA CONVENTIONS.

-- WE RECOGNIZE THERE HAVE BEEN VIOLATIONS OF THE LAW BY U.S. PERSONNEL. BUT THOSE WHO FAILED TO ADHERE TO THESE TREATMENT STANDARDS HAVE AND WILL CONTINUE TO BE HELD ACCOUNTABLE.

-- THE MILITARY COMMISSIONS ACT OF 2006 ESTABLISHES MILITARY COMMISSION PROCEDURES FOR TRYING ALIEN, UNLAWFUL ENEMY COMBATANTS, IN A WAY THAT FULLY COMPLIES WITH COMMON ARTICLE 3 OF THE GENEVA CONVENTIONS. THE ACT ALSO CLARIFIES THE STANDARDS OF TREATMENT FOR UNLAWFUL ENEMY COMBATANTS.

-- ALTHOUGH MANY IN THE INTERNATIONAL COMMUNITY HAVE CALLED FOR THE CLOSURE OF GUANTANAMO, NONE HAS SUGGESTED A VIABLE ALTERNATIVE FOR DEALING WITH THE VERY DANGEROUS MEN THAT ARE HELD THERE. BECAUSE OUR CONTINUED DETENTION OF INTERNATIONAL TERRORISTS BENEFITS THE WORLD AS A WHOLE, IT WOULD BE USEFUL FOR THE INTERNATIONAL COMMUNITY TO WORK TO SOLVE THIS SHARED PROBLEM.

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-- AS THE PRESIDENT HAS STATED, WE WOULD LIKE TO MOVE TOWARDS THE DAY WHEN WE CAN EVENTUALLY CLOSE GUANTANAMO. WE DO NOT WANT TO BE THE WORLD'S JAILER. THE UNITED STATES WILL CONTINUE TO URGE NATIONS ACROSS THE WORLD TO TAKE BACK THOSE OF THEIR NATIONALS WHO WILL NOT BE PROSECUTED BY MILITARY TRIBUNALS.

----- 4. WAR WITH AL QAIDA TALKING POINTS -----

-- THE UNITED STATES IS IN A STATE OF ARMED CONFLICT WITH AL QAIDA, THE TALIBAN AND THEIR SUPPORTERS.

-- IN 1996, AL QAIDA DECLARED WAR AGAINST THE UNITED STATES. THEY PROCEEDED TO ATTACK OUR EMBASSIES IN EAST AFRICA IN 1998, AND ARE RESPONSIBLE FOR THE BOMBING OF THE USS COLE.

-- ON SEPTEMBER 11, AL QAIDA ATTACKED THE U.S. HOMELAND AND KILLED NEARLY 3,000 PEOPLE FROM MORE THAN 90 COUNTRIES.

-- FOLLOWING THE ATTACKS ON SEPTEMBER 11, THE UNSC ADOPTED A RESOLUTION ACKNOWLEDGING OUR INHERENT RIGHT TO SELF-DEFENSE. NATO, RIO AND ANZUS TREATY PARTNERS INVOKED THE COLLECTIVE SELF-DEFENSE CLAUSES UNDER THOSE RESPECTIVE TREATIES.

-- OUR CONFLICT IS ONGOING, AS AL QAIDA CONTINUES TO URGE ATTACKS ON AMERICA AND ITS ALLIES.

-- AS PART OF THIS CONFLICT, THE UNITED STATES CAPTURES AND DETAINS ENEMY COMBATANTS AND IS HOLDING THEM UNDER THE LAW OF WAR.

----- 5. GUANTANAMO BAY TALKING POINTS -----

RIGHT TO DETAIN

-- CONSISTENT WITH THE LAW OF WAR, THE UNITED STATES DETAINS ENEMY COMBATANTS AND MAY DO SO FOR THE DURATION OF HOSTILITIES. THE PURPOSE OF THIS DETENTION IS, IN PART, TO PREVENT THESE PERSONS FROM RETURNING TO THE BATTLEFIELD, AS SOME HAVE DONE ONCE RELEASED.

-- DETENTION OF ENEMY COMBATANTS IN WARTIME IS NOT CRIMINAL PUNISHMENT AND THEREFORE DOES NOT REQUIRE THAT INDIVIDUALS BE CHARGED OR TRIED IN A COURT OF LAW. IT IS A MATTER OF

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SECURITY AND MILITARY NECESSITY AND HAS LONG BEEN
RECOGNIZED AS LEGITIMATE UNDER INTERNATIONAL LAW.

-- THE RECENT SUPREME COURT DECISION IN HAMDAN REAFFIRMED
AN EARLIER U.S. SUPREME COURT DECISION AFFIRMING THE RIGHT
OF THE UNITED STATES TO DETAIN ENEMY COMBATANTS IN THE WAR
AGAINST AL QAIDA AND THE TALIBAN.

DETAINEE PROCESS OVERVIEW

-- THE UNITED STATES DOES NOT WISH TO HOLD ANYONE LONGER
THAN NECESSARY. DETAINEES HELD AT GUANTANAMO ARE SCREENED
AT VARIOUS POINTS FROM CAPTURE TO DETENTION AT THEATER
DETENTION FACILITIES IN AFGHANISTAN AND GUANTANAMO, AND
THEIR INDIVIDUAL CASES ARE REVIEWED PERIODICALLY
THEREAFTER. THESE PROCEDURES ARE DESIGNED TO ENSURE WE
ONLY HOLD THOSE WHO ARE ENEMY COMBATANTS AND WHO POSE A
CONTINUING THREAT TO THE UNITED STATES AND ITS ALLIES.

-- EACH DETAINEE AT GUANTANAMO BAY IS EVALUATED BY A
COMBATANT STATUS REVIEW TRIBUNAL (CSRT), WHICH DETERMINES
WHETHER THE DETAINEE WAS PROPERLY DESIGNATED AS AN ENEMY
COMBATANT. THE 14 DETAINEES RECENTLY SENT TO GUANTANAMO
FROM THE CIA DETENTION PROGRAM WILL ALSO RECEIVE COMBATANT
STATUS DETERMINATIONS FROM THESE TRIBUNALS.

-- AFTER A CSRT DETERMINATION, EACH ENEMY COMBATANT
RECEIVES AN ANNUAL REVIEW TO DETERMINE WHETHER THE UNITED
STATES NEEDS TO CONTINUE DETENTION. AN ADMINISTRATIVE
REVIEW BOARD (ARB) CONDUCTS THIS REVIEW.

-- AS OF OCTOBER 2006, APPROXIMATELY 430 DETAINEES REMAIN
AT GUANTANAMO, AND APPROXIMATELY 335 HAVE BEEN RELEASED OR
TRANSFERRED.

TREATMENT OF DETAINEES

-- NEARLY ALL OF THOSE REMAINING AT GUANTANAMO REPRESENT A
SIGNIFICANT THREAT TO THE UNITED STATES AND COALITION
FORCES. IN ADDITION, MANY OF THOSE DETAINED REMAIN SOURCES
OF STRATEGIC INTELLIGENCE. THE INTELLIGENCE WE HAVE GAINED
HAS SAVED AMERICAN LIVES AND THOSE OF INNOCENT CIVILIANS IN
OTHER COUNTRIES.

-- UNITED STATES PERSONNEL ARE REQUIRED TO COMPLY WITH ALL
RELEVANT U.S. LAWS AND TREATY OBLIGATIONS IN THEIR CARE AND
TREATMENT OF DETAINEES.

-- FOR ALL U.S. PERSONNEL IN ALL LOCATIONS, TORTURE IS
PROHIBITED.

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-- CRUEL, INHUMAN, AND DEGRADING TREATMENT OR PUNISHMENT IS PROHIBITED BY ALL PERSONNEL IN ALL LOCATIONS.

-- THE SUPREME COURT HAS HELD THAT COMMON ARTICLE 3 OF THE GENEVA CONVENTIONS APPLIES IN OUR ARMED CONFLICT WITH AL QAIDA, AND THE UNITED STATES APPLIES THESE PROTECTIONS TO ALL DETAINED UNLAWFUL ENEMY COMBATANTS.

-- THE DEPARTMENT OF DEFENSE RECENTLY RELEASED THE UPDATED DOD DETAINEE PROGRAM DIRECTIVE 2310.01e, AND THE ARMY RELEASED ITS REVISED FIELD MANUAL ON INTERROGATION. THESE DOCUMENTS PROVIDE GUIDANCE TO MILITARY PERSONNEL TO ENSURE COMPLIANCE WITH THE LAW.

-- THE DETAINEE TREATMENT ACT OF 2005 REQUIRES THAT NO DETAINEE, NO MATTER WHAT THEIR STATUS IS OR WHERE THEY ARE BEING HELD, SHALL BE SUBJECTED TO CRUEL, INHUMAN, OR DEGRADING TREATMENT. THIS POLICY HAS BEEN AND REMAINS COMPLETELY CONSISTENT WITH DETAINEE TREATMENT ACT REQUIREMENTS.

-- UNDER THE MILITARY COMMISSIONS ACT, SERIOUS VIOLATIONS OF COMMON ARTICLE 3 ARE CRIMINALIZED. IN DEFINING PRECISELY THOSE VIOLATIONS THAT ARE SUBJECT TO CRIMINAL PROSECUTION, GREATER CLARITY IS PROVIDED TO U.S. OFFICIALS INVOLVED IN DETENTION AND INTERROGATION OPERATIONS ON WHAT TREATMENT VIOLATES U.S. AND INTERNATIONAL LAW.

-- THE LEGISLATION DOES NOT REINTERPRET COMMON ARTICLE 3 OF THE GENEVA CONVENTIONS. THE PRESIDENT AND CONGRESS SHARE THE VIEW THAT ANY INTERROGATION STANDARDS MUST BE CONSISTENT WITH THAT PROVISION.

-- SINCE SEPTEMBER 11, THE DEPARTMENT OF DEFENSE HAS COURT-MARTIALED MORE THAN 100 SERVICEMEMBERS FOR ALLEGED DETAINEE MISTREATMENT, AND APPROXIMATELY 86% HAVE BEEN CONVICTED. THOSE WHO HAVE COMMITTED LESS SERIOUS VIOLATIONS HAVE BEEN HELD ACCOUNTABLE THROUGH NON-JUDICIAL PUNISHMENT AND ADMINISTRATIVE MEASURES, INCLUDING SEPARATION FROM THE SERVICE.

-- ACCOUNTABILITY IS AN ONGOING PROCESS; ALL ALLEGATIONS OF ABUSE ARE THOROUGHLY INVESTIGATED, AND WRONGDOERS ARE HELD ACCOUNTABLE AS APPROPRIATE.

ACCESS TO GUANTANAMO

-- THE INTERNATIONAL COMMITTEE OF THE RED CROSS HAS THE OPPORTUNITY TO MEET PRIVATELY WITH ALL DETAINEES HELD AT

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GUANTANAMO.

-- FOREIGN GOVERNMENT OFFICIALS FROM MORE THAN 30 COUNTRIES AND NUMEROUS DELEGATIONS FROM INTERNATIONAL ORGANIZATIONS HAVE VISITED GUANTANAMO.

-- AFTER THE ORGANIZATION FOR SECURITY COOPERATION IN EUROPE VISITED GUANTANAMO, THE HEAD OF DELEGATION CALLED GUANTANAMO A "MODEL PRISON" WHERE PEOPLE ARE TREATED BETTER THAN IN PRISONS IN HIS OWN COUNTRY.

FUTURE OF GUANTANAMO

-- ALTHOUGH MANY IN THE INTERNATIONAL COMMUNITY HAVE CALLED FOR THE CLOSURE OF GUANTANAMO, NONE HAS SUGGESTED A VIABLE ALTERNATIVE FOR DEALING WITH THE VERY DANGEROUS MEN THAT ARE HELD THERE. BECAUSE OUR CONTINUED DETENTION OF INTERNATIONAL TERRORISTS BENEFITS THE WORLD AS A WHOLE, IT WOULD BE USEFUL FOR THE INTERNATIONAL COMMUNITY TO WORK TO SOLVE THIS SHARED PROBLEM.

-- AS THE PRESIDENT HAS STATED, THE UNITED STATES DOES NOT WANT TO BE THE WORLD'S JAILER. HE WILL CONTINUE TO URGE NATIONS ACROSS THE WORLD TO TAKE BACK THOSE OF THEIR NATIONALS WHO WILL NOT BE PROSECUTED BY MILITARY TRIBUNALS.

WHO IS BEING HELD AT GUANTANAMO BAY?

-- ENEMY COMBATANTS HELD AT GUANTANAMO ARE MEMBERS OF AL QAIDA, OR THE TALIBAN, OR AFFILIATED GROUPS, WHO WERE ENGAGED IN, OR SUPPORTED ARMED CONFLICT AGAINST THE UNITED STATES AND ITS ALLIES.

-- DETAINEES AT GUANTANAMO INCLUDE TERRORIST TRAINERS, BOMB MAKERS, RECRUITERS AND FACILITATORS, TERRORIST FINANCIERS, BODY GUARDS FOR USAMA BIN LADEN, AND POTENTIAL SUICIDE BOMBERS. SPECIFIC EXAMPLES INCLUDE:

-- KEY ARCHITECTS OF THE SEPTEMBER 11TH ATTACKS, ATTACK ON THE U.S.S. COLE, AND BALI NIGHTCLUB BOMBINGS;

-- AN OPERATIVE INVOLVED IN THE BOMBINGS OF OUR EMBASSIES IN KENYA AND TANZANIA;

-- A MEMBER OF A TERRORIST CELL IN AFGHANISTAN THAT TARGETED CIVILIANS, ESPECIALLY JOURNALISTS AND FOREIGN AID WORKERS, AND WAS RESPONSIBLE FOR A

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GRENADE ATTACK ON A FOREIGN JOURNALIST'S CAR;

-- AN AL QAIDA MEMBER WHO DESIGNED A PROTOTYPE SHOE BOMB FOR DESTROYING AIRPLANES AND A MAGNETIC MINE FOR ATTACKING SHIPS;

-- A TRAINER IN THE USE OF EXPLOSIVES WHO WORKED ON A PLAN TO USE CELL PHONES TO DETONATE BOMBS.

WHAT HAS THE UNITED STATES LEARNED FROM THEIR INTERROGATIONS?

-- THROUGH INTERROGATIONS OF DETAINEES, THE COALITION HAS LEARNED ABOUT AL QAIDA AND TALIBAN RECRUITMENT AND HOW THEY FORM TERRORIST CELLS. WE HAVE LEARNED HOW THEY COMMUNICATE, TRAIN, RAISE FUNDS, AND TRAVEL.

-- THE INTERROGATION OF HIGH-VALUE DETAINEES HAS PROVIDED INFORMATION THAT HAS ALLOWED THE COALITION TO DISRUPT SPECIFIC TERRORIST PLOTS IN THE UNITED STATES AND ACROSS THE WORLD, THEREBY SAVING THE LIVES OF CITIZENS OF THE UNITED STATES AND ITS COALITION PARTNERS. SPECIFIC EXAMPLES INCLUDE:

-- BREAKING UP A CELL OF 17 SOUTHEAST ASIAN JAMAL ISLAMIA OPERATIVES WHO WERE BEING GROOMED FOR ATTACKS INSIDE THE UNITED STATES, POSSIBLY USING AIRPLANES;

-- FOILING A PLANNED ATTACK ON THE U.S. CONSULATE IN KARACHI USING CAR BOMBS AND MOTORCYCLE BOMBS;

-- STOPPING A PLOT TO HIJACK PASSENGER PLANES AND FLY THEM INTO HEATHROW OR CANARY WHARF IN LONDON.

-- ULTIMATELY, THE COALITION WILL WIN THE GLOBAL WAR ON TERROR THROUGH INFORMATION. INFORMATION ALLOWS US TO PREVENT FUTURE ATTACKS AND PROTECT INNOCENT LIVES. INTELLIGENCE OPERATIONS HAVE SAVED THE LIVES OF COALITION FORCES AND INNOCENT CIVILIANS.

WHAT ARE THEIR CONDITIONS?

-- ALL DETAINEES AT GUANTANAMO ARE PROVIDED:

-- FOOD: THREE MEALS PER DAY THAT MEET CULTURAL DIETARY REQUIREMENTS.

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-- SHELTER: THE CAMPS PROVIDE MORE THAN ADEQUATE SHELTER AND ALLOW OUTSIDE RECREATION. PLANS ARE UNDERWAY FOR EXPANDED COMMUNAL LIVING QUARTERS AND INCREASED OPPORTUNITIES FOR EXERCISE AND TEAM ACTIVITIES, INCLUDING SOCCER, VOLLEYBALL AND TABLE TENNIS.

-- THE OPPORTUNITY TO WORSHIP: A COPY OF THE KORAN IS GIVEN TO THE DETAINEES, PRINTED AS APPROPRIATE IN ONE OF FIVE LANGUAGES (ARABIC, DARI, PASHTU, RUSSIAN, AND FARSI). THEY ALSO RECEIVE PRAYER BEADS, PRAYER RUGS, AND OTHER READING MATERIALS.

-- THE MUSLIM CALL TO PRAYER IS PLAYED OVER CAMP LOUDSPEAKERS FIVE TIMES A DAY, GENERALLY AT 5:30AM, 1PM, 2:30PM, 7:30PM AND 9:30PM.

-- ONCE THE CALL TO PRAYER SOUNDS, DETAINEES RECEIVE 20 MINUTES OF UNINTERRUPTED TIME TO WORSHIP. THE GUARDS STRIVE TO ENSURE DETAINEES ARE NOT INTERRUPTED DURING THIS PERIOD.

-- STENCILED ARROWS POINTING IN THE DIRECTION OF MECCA ARE DISPLAYED THROUGHOUT THE CAMP TO ASSIST THE DETAINEES IN KNOWING IN WHAT DIRECTION TO PRAY.

-- READING MATERIALS: INCREASED ACCESS TO FOREIGN LANGUAGE MATERIALS IS PLANNED.

-- EXCELLENT MEDICAL CARE: DETAINEES RECEIVE MEDICAL TREATMENT THAT IS COMPARABLE TO WHAT U.S. SERVICE MEMBERS RECEIVE. MEDICAL FACILITIES AT GTMO ARE EQUIPPED TO PROVIDE ROUTINE AND EMERGENCY MEDICAL ATTENTION, AS WELL AS DENTAL AND VISION TREATMENT.

-- MAIL: DETAINEES CAN RECEIVE AND SEND MAIL. IN 2005, MORE THAN 18,000 PIECES OF MAIL WERE SENT OR RECEIVED BY DETAINEES.

REVIEW PROCESSES AFFORDED DETAINEES AT GUANTANAMO

-- IN ADDITION TO THE SCREENING PROCEDURES USED TO INITIALLY SCREEN DETAINEES AT THE POINT OF CAPTURE, THE DEPARTMENT OF DEFENSE HAS CREATED TWO ADMINISTRATIVE REVIEW PROCESSES AT GUANTANAMO: (1) COMBATANT STATUS REVIEW TRIBUNALS; (2) ADMINISTRATIVE REVIEW BOARDS;

-- THE COMBATANT STATUS REVIEW TRIBUNAL (CSRT) IS A ONE-

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TIME PROCESS THAT PROVIDES THE DETAINEE WITH THE OPPORTUNITY TO HAVE HIS STATUS REVIEWED AND CONSIDERED BY A NEUTRAL DECISION-MAKING PANEL COMPOSED OF THREE COMMISSIONED MILITARY OFFICERS SWORN TO EXECUTE THEIR DUTIES FAITHFULLY AND IMPARTIALLY.

-- EACH DETAINEE AT GUANTANAMO BAY RECEIVES A COMBATANT STATUS REVIEW TRIBUNAL, WHICH DETERMINES WHETHER THE DETAINEE IS PROPERLY DESIGNATED AS AN ENEMY COMBATANT. THE 14 DETAINEES SENT TO GUANTANAMO FROM THE CIA DETENTION PROGRAM WILL RECEIVE COMBATANT STATUS DETERMINATIONS FROM THESE TRIBUNALS.

-- THE COMBATANT STATUS REVIEW TRIBUNALS PROVIDE SIGNIFICANT PROCESS AND PROTECTIONS. IN ADDITION TO THE OPPORTUNITY TO BE HEARD IN PERSON AND PRESENT ADDITIONAL EVIDENCE THAT MIGHT BENEFIT HIM, A DETAINEE CAN RECEIVE ASSISTANCE FROM A MILITARY OFFICER TO PREPARE FOR HIS HEARING AND TO ENSURE HE UNDERSTANDS THE PROCESS. FURTHERMORE, A CSRT RECORDER IS OBLIGATED TO SEARCH GOVERNMENT FILES FOR EVIDENCE SUGGESTING THE DETAINEE IS NOT AN ENEMY COMBATANT AND PRESENT SUCH EVIDENCE TO THE TRIBUNAL. MOREOVER, IN ADVANCE OF THE HEARING, THE DETAINEE IS PROVIDED WITH AN UNCLASSIFIED SUMMARY OF THE EVIDENCE SUPPORTING HIS ENEMY COMBATANT CLASSIFICATION.

-- EVERY DECISION BY THIS TRIBUNAL IS SUBJECT TO AN AUTOMATIC REVIEW BY A HIGHER AUTHORITY THAT IS EMPOWERED TO RETURN THE RECORD TO THE TRIBUNAL FOR FURTHER PROCEEDINGS.

-- IN ADDITION, A CSRT DECISION CAN BE DIRECTLY APPEALED TO AN AMERICAN DOMESTIC CIVILIAN COURT - THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT. PROVIDING REVIEW OF AN ENEMY COMBATANT DETERMINATION IN A NATION'S OWN DOMESTIC COURTS IS AN UNPRECEDENTED PROTECTION IN THE HISTORY OF WAR.

-- TO OUR KNOWLEDGE, THESE PROCEDURAL PROTECTIONS ARE MORE EXTENSIVE THAN THOSE USED BY ANY OTHER NATION IN ANY PREVIOUS CONFLICT TO DETERMINE A COMBATANT'S STATUS.

-- IN ADDITION TO THE CSRT, AN ADMINISTRATIVE REVIEW BOARD (ARB) CONDUCTS AN ANNUAL REVIEW TO DETERMINE THE NEED TO CONTINUE THE DETENTION OF THE ENEMY COMBATANT. THE REVIEW INCLUDES AN ASSESSMENT OF WHETHER THE DETAINEE POSES A THREAT TO THE UNITED STATES OR ITS ALLIES, OR WHETHER THERE ARE OTHER FACTORS THAT WOULD SUPPORT THE NEED FOR CONTINUED DETENTION (E.G., INTELLIGENCE VALUE).

-- AN ADMINISTRATIVE REVIEW BOARD CONSISTS OF A NEUTRAL

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PANEL OF THREE COMMISSIONED MILITARY OFFICERS SWORN TO EXECUTE THEIR DUTIES FAITHFULLY AND IMPARTIALLY. THE HOME GOVERNMENTS OF EACH DETAINEE ARE INVITED TO SUBMIT INFORMATION TO THE PANEL CONCERNING WHETHER THE DETAINEE SHOULD CONTINUE TO BE DETAINED. THIS COULD INCLUDE INFORMATION SUBMITTED BY A DETAINEE'S FAMILY.

-- BASED ON THIS ASSESSMENT, THE ARB PANEL CAN RECOMMEND TO A DESIGNATED CIVILIAN OFFICIAL THAT THE INDIVIDUAL BE RELEASED, CONTINUE TO BE DETAINED, OR BE TRANSFERRED WITH CONDITIONS TO THEIR COUNTRY OF NATIONALITY.

-- THE ARB PROCESS IS UNPRECEDENTED, AND IS NOT REQUIRED BY THE LAW OF WAR, OR BY INTERNATIONAL OR DOMESTIC LAW. THE UNITED STATES CREATED THIS PROCESS TO ENSURE THAT WE DETAIN INDIVIDUALS NO LONGER THAN NECESSARY.

-- MORE THAN 300 DETAINEES HAVE BEEN RELEASED OR TRANSFERRED OUT OF GUANTANAMO BAY, EITHER THROUGH THE CSRT OR ARB PROCESSES, OR THROUGH REVIEW PROCESSES THAT WERE IN PLACE PRIOR TO THE ARB PROCESS.

-- APPROXIMATELY 130 DETAINEES ARE AWAITING TRANSFER ONCE THEIR GOVERNMENTS PROVIDE CREDIBLE ASSURANCES THAT THEY WILL BE TREATED HUMANELY AND THAT THE COUNTRIES WILL TAKE STEPS TO MITIGATE THE THREAT THESE INDIVIDUALS POSE TO THE UNITED STATES AND ITS ALLIES. THERE ARE INDIVIDUALS WHO CANNOT AT THIS TIME BE TRANSFERRED, AS THEY MAY BE STATELESS OR THEIR COUNTRIES HAVE NOT AGREED TO ACCEPT THEM OR HAVE NOT PROVIDED ASSURANCES THAT THEY WILL BE TREATED HUMANELY.

-- WHERE APPROPRIATE, THE PRESIDENT HAS INDICATED THAT MILITARY COMMISSIONS SHOULD BE USED TO TRY THOSE SUSPECTED OF COMMITTING SERIOUS WAR CRIMES.

-- THE MILITARY COMMISSION ACT OF 2006 ESTABLISHES MILITARY COMMISSION PROCEDURES FOR TRYING ALIEN UNLAWFUL ENEMY COMBATANTS THAT ARE FULLY COMPLIANT WITH COMMON ARTICLE 3 OF THE GENEVA CONVENTIONS.

-- THE LEGISLATION INCORPORATES NUMEROUS DUE PROCESS SAFEGUARDS FOR DEFENDANTS, INCLUDING THE FOLLOWING:

-- EXTENSIVE APPEALS PROCESS, INCLUDING THE RIGHT TO APPEAL FINAL MILITARY COMMISSION CONVICTIONS TO A U.S. FEDERAL APPEALS COURT;

-- RIGHT TO BE PRESENT THROUGHOUT THE TRIALS, AND TO SEE ALL EVIDENCE ADMITTED IN TRIAL;

-- PRESUMPTION OF INNOCENCE;

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- RIGHT TO REPRESENT ONESELF;
- RIGHT TO CROSS-EXAMINE PROSECUTION WITNESSES;
- PROHIBITION ON DOUBLE JEOPARDY;
- ABSOLUTE BAR ON ADMISSION OF STATEMENTS OBTAINED THROUGH TORTURE, OR THROUGH CRUEL, INHUMAN OR DEGRADING TREATMENT IN VIOLATION OF THE DETAINEE TREATMENT ACT OF 2005;
- BAN ON COERCED TESTIMONY UNLESS AN EXPERIENCED MILITARY JUDGE FINDS THAT IT IS PROBATIVE AND RELIABLE AND THAT THE INTERESTS OF JUSTICE WOULD BE BEST SERVED BY ADMISSION;
- PROHIBITION AGAINST COMPELLED SELF-INCRIMINATION;
- ACCESS TO COUNSEL.

----- 6. RENDITIONS TALKING POINTS -----

-- THE WAR ON TERROR SOMETIMES INVOLVES THE CAPTURE, DETENTION AND QUESTIONING OF TERRORISTS. WE MUST QUESTION THEM TO GATHER SIGNIFICANT, POTENTIALLY LIFE-SAVING INTELLIGENCE.

-- OUR LAW ENFORCEMENT AND INTELLIGENCE COOPERATION HAS RESULTED IN FOILING A NUMBER OF DEADLY PLOTS AGAINST CITIES AND CIVILIANS IN EUROPE AND ELSEWHERE.

-- AS SECRETARY RICE AND CENTRAL INTELLIGENCE AGENCY DIRECTOR GENERAL HAYDEN HAVE RECENTLY STATED, U.S. INTELLIGENCE AGENCIES HAVE GATHERED IMPORTANT INTELLIGENCE FROM EXTREMELY DANGEROUS DETAINEES, INCLUDING INDIVIDUALS WHO PLANNED THE 9/11 ATTACKS.

-- THE UNITED STATES DOES NOT TRANSPORT, AND HAS NOT TRANSPORTED, DETAINEES FROM ONE COUNTRY TO ANOTHER FOR THE PURPOSE OF INTERROGATION USING TORTURE.

-- THE UNITED STATES HAS NOT USED THE AIRSPACE OR THE AIRPORTS OF ANY COUNTRY FOR THE PURPOSE OF TRANSPORTING A DETAINEE TO A COUNTRY WHERE HE OR SHE WILL BE TORTURED.

-- THE UNITED STATES HAS NOT TRANSPORTED ANYONE, AND WILL NOT TRANSPORT ANYONE, TO A COUNTRY WHERE WE BELIEVE HE WILL BE TORTURED. WHERE APPROPRIATE, THE UNITED STATES SEEKS ASSURANCES THAT TRANSFERRED PERSONS WILL NOT BE TORTURED.

-- THE USG DOES NOT ENDORSE, TOLERATE OR CONDONE TORTURE NOR PARTICIPATE IN THE "EXPORT" OF DETAINEES FOR PURPOSES OF TORTURE.

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-- IN CONDUCTING RENDITIONS, THIS ADMINISTRATION HAS
RESPECTED AND WILL CONTINUE TO RESPECT THE SOVEREIGNTY OF
OTHER COUNTRIES.

7. MINIMIZE CONSIDERED.
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